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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,675	02/21/2001	Hideki Hino	325772022500	6035
25227	7590	10/21/2004	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			MILIA, MARK R	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,675

Applicant(s)

HINO ET AL.

Examiner

Mark R. Milia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/21/01</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6094698 to Namikawa in view of Japanese Patent Laid-Open Publication No. 10-213997 to Tanimoto cited in Information Disclosure Statement dated 2/21/01, a translation of which is attached and used as basis for rejection.

Regarding claim 1, Namikawa discloses an image processing apparatus, comprising: a first storage medium for storing a control program (see column 3 line 66- column 4 line 3), a control device for controlling image processing of the image processing apparatus by the control program stored in the first storage medium (see column 4 lines 7 and 11-15), a transfer device for transferring the control program from an external device to the first storage medium (see column 4 lines 49-51 and column 5 lines 37-60), a nonvolatile second storage medium for storing a transfer state of the

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control program (see column 6 lines 1-10), an optional device (see column 3 lines 44-56, column 11 lines 13-28 and 50-51), and a power supply (see column 4 lines 46-48 and Fig. 1).

Namikawa does not disclose expressly a power supply control device for controlling power supply to the optional device in response to the transfer state stored in the second storage medium.

Tanimoto discloses a power supply control device for controlling power supply to the optional device in response to the transfer state stored in the second storage medium (see paragraphs 0006-0008, 0011 lines 6-9, 0013, 0019 lines 6-7, 0022-0025, and 0034).

Namikawa & Tanimoto are combinable because they are from the same field of endeavor, printing apparatus with program version upgrade.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the power supply control of an optional device of Tanimoto with the image processing apparatus of Namikawa.

The suggestion/motivation for doing so would have been to prevent printer malfunction such as overheating and incorrect drive motor rotation when control program are being upgraded (see paragraphs 0035-0036 of Tanimoto).

Therefore, it would have been obvious to combine Tanimoto with Namikawa to obtain the invention as specified in claim 1.

Regarding claim 7, Namikawa discloses an image forming apparatus, comprising a main body for forming images on paper sheets (see column 3 lines 44-47 and Fig. 1),

an optional device (see column 3 lines 48-57), a first storage medium for storing a control program (see column 3 line 66-column 4 line 3), a control device for controlling image formation of the image forming apparatus by the control program stored in the first storage medium (see column 4 lines 7 and 11-15), a transfer device for transferring the control program from an external device to the first storage medium (see column 4 lines 49-51), a nonvolatile second storage medium for storing a transfer state of the control program (see column 6 lines 1-10), and a power supply (see column 4 lines 46-48 and Fig. 1).

Namikawa does not disclose expressly a power supply control device for controlling power supply to the optional device in response to the transfer state stored in the second storage medium.

Tanimoto discloses a power supply control device for controlling power supply to the optional device in response to the transfer state stored in the second storage medium (see paragraphs 0006-0008, 0011 lines 6-9, 0013, 0019 lines 6-7, 0022-0025, and 0034).

Namikawa & Tanimoto are combinable because they are from the same field of endeavor, printing apparatus with program version upgrade.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the power supply control of an optional device of Tanimoto with the image processing apparatus of Namikawa.

The suggestion/motivation for doing so would have been to prevent printer malfunction such as overheating and incorrect drive motor rotation when control program are being upgraded (see paragraphs 0035-0036 of Tanimoto).

Therefore, it would have been obvious to combine Tanimoto with Namikawa to obtain the invention as specified in claim 7.

Regarding claims 2 and 8, Namikawa and Tanimoto disclose the apparatus discussed above in claims 1 and 7, and Namikawa further discloses a write device for writing data that indicates transfer is proceeding onto the second storage medium when transfer of the control program is started, and writing data that indicates transfer is not proceeding onto the second storage medium when transfer of the control program is normally completed (see column 5 line 1-column 6 line 10).

Regarding claims 3 and 9, Namikawa and Tanimoto disclose the apparatus discussed above in claims 1 and 7, and Namikawa further discloses a confirmation device for confirming the transfer state stored in the second storage medium when power is applied to the image processing apparatus (see column 6 lines 1-10, column 7 lines 36-44, and column 8 lines 9-17).

Regarding claims 4 and 10, Namikawa and Tanimoto disclose the apparatus discussed above in claims 1 and 7, however Namikawa does not disclose expressly wherein power supply to the optional device is stopped when it is confirmed by the confirmation device that the data indicating that transfer is processing is stored in the second storage medium.

Tanimoto discloses wherein power supply to the optional device is stopped when it is confirmed by the confirmation device that the data indicating that transfer is processing is stored in the second storage medium (see paragraphs 0006-0008, 0013, 0022-0025, and 0034).

Regarding claims 5 and 11, Namikawa and Tanimoto disclose the apparatus discussed above in claims 1 and 7, and Namikawa further discloses a confirmation device for confirming presence of the second storage medium when power is applied to the image processing apparatus (see column 7 line 45-column 9 line 13).

Regarding claims 6 and 12, Namikawa and Tanimoto disclose the apparatus discussed above in claims 1 and 7, however Namikawa does not disclose expressly wherein power supply to the optional device is stopped when it is confirmed by the confirmation device that the second storage medium is not present.

Tanimoto discloses wherein power supply to the optional device is stopped when it is confirmed by the confirmation device that the second storage medium is not present (see paragraphs 0006-0008, 0013, 0022-0025, and 0034).

Namikawa & Tanimoto are combinable because they are from the same field of endeavor, printing apparatus with program version upgrade.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the power supply control of an optional device of Tanimoto with the image processing apparatus of Namikawa.

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The suggestion/motivation for doing so would have been to prevent printer malfunction such as overheating and incorrect drive motor rotation when control program are being upgraded (see paragraphs 0035-0036 of Tanimoto).

Therefore, it would have been obvious to combine Tanimoto with Namikawa to obtain the invention as specified in claims 2-6 and 8-12.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show state of the art refer to U.S. Patent numbers 5293196 (Kaneko et al.), 5446522 (Tahara et al.), 4677310 (Midorikawa et al.), 5917610 (Komada et al.), 6148362 (Sagi), and 6571311 (Kuwano).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (703) 305-1900. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (703) 305-4712. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia
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